PART XVI.—DRIFT AND STRANDED TIMBER.

1. Flotsam or jetsam, such as a cask, boat, table or raft, cannot be deemed to be drift timber within the meaning of Section 45 of the Indian Forest Act, 1878. The definition of the word "timber"* in this Act does not imply that cart-wheels, mortars, canoes, &c., are included in the term, but merely that all wood, that is to say, the vegetable product known as "wood," whether it has been cut and shaped for any purpose or is in its pristine form, is timber. For instance no one would describe a derelict as drift wood, though a floating spar, masts, boards or other parts of boats, beams, rafters, &c., from houses destroyed by floods, or which may have in any way been washed away, might without anything strange in the language be denominated as wood. (L. R. No. 1255, dated 21st September 1882; *vide* G. R. No. 6949, dated 6th October 1882.)

2. The following report No. 1100, dated 26th September 1882, by the Solicitor to Government was communicated to the Port Officer, Bombay, for information and guidance :—

"I don't think that timber which has been washed away from the bandars of the Bombay Saw Mills Company where it had been stored and driven on shore at Pir Páu, Trombay, and Island of Elephanta, is timber such as Act VII of 1878 is intended to refer to. That Act is entitled 'an Act to amend the law relating to forests, the transit of forest produce and the duty leviable on timber."

"Timber in Section 2 is defined† thus :—

'Timber includes trees and bambus when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for cart-wheels, mortars, canoes or other purposes or not.'

"It seems to me that the timber here spoken of means trees in forests, either before or after they have been cut up. Trees in the Indian forests were what the Act was intended to relate to.

"If my view is correct, then the Conservator of Forests was not the officer under Government to take charge of the timber in question.

"By Act VII of 1880, Section 71, wreck includes the following when found in the sea or any tidal water or on the shores thereof, viz. :—

'Goods which have been cast or fall into the sea and remain floating on the surface.'

"I do not think the timber in question (even if it come within the definition *goods*) can be said to have been cast or fallen into the sea.

"If the owners can identify the goods by marks upon them or other description, and can show that they were washed away from the bandars by a high tide, I think they would have the right to follow up their goods and get them back again, and that goods so circumstanced could not be considered a wreck' within the meaning of Act VII of 1880."

(G. R., Marine Dept., No. 469, dated 2nd October 1882, and G. R. No. 7238, dated 17th idem.)

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* Since this opinion was recorded by the Remembrancer of Legal Affairs, the definition of the term 'timber' has been slightly altered by Act V of 1890.

† Cf. the revised definition of "timber" given in Section 2 of Act VII of 1878 as amended by Act V of 1890, *viz.*, "Timber includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not."